

Appl. No. 10/648,101
Amdt. Dated 12/9/2005
Response to Office action dated 06/14/2005

REMARKS

Claims 24, 29, 35 and 39 have been amended. Claims 45-51 have been cancelled. No new matter has been added. Claims 24-44 and 52 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims 24, 29, 35 and 39 have been amended, and claims 45-51 have been canceled, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 24, 29, 35 and 39 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this Application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this Application, except for arguments specifically directed to the claim.

Interview Summary

The Examiner is thanked for the in-person interview conducted on September 8, 2005. The Practitioner discussed independent claims 24, 29, 35 and 39 relative to the cited art. The Examiner recommended that additional limitations from the specification be amended into the independent claims.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 24-26, 29-33, 35-36, 39-40, 43 and 52 under 35 USC § 102(b) as anticipated by Hollander (USP 5,334,347). This rejection is respectfully traversed.

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Hollander is directed to an electric discharge device capable of emitting a large quantity of ultraviolet rays, while also providing a long useful operating life over a wide temperature range (Hollander, 3: 55-57). Hollander's electric discharge device includes a spacer and a base that define a cooling region inside the electric discharge device (Hollander 5:54-56). Hollander's spacer causes a convection current between the cooling region and a radiation region (Hollander 5:57-58, and 6:7-9), resulting in extended life of the germicidal lamp.

Claims 24, 29, 35 and 39 are independent.

Claim 24 has been amended to include the feature "at least intermittently energizing a germicidal lamp to emit distributed UVC radiation wherein the germicidal lamp is energized during and after a cooling cycle of the air handler until the surface is organically clean." A thorough review of Hollander reveals that Hollander does not disclose this feature either inherently or expressly. Therefore claim 24 is not anticipated by Hollander.

Claims 29, 35 and 39 have been similarly amended and are therefore not anticipated by Hollander.

By virtue of their respective dependence on claims 24, 29, 35 and 29, claims 25-26, 52, 30-33, 36, and 40, 43 are not anticipated by Hollander.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 27-28, 34, 37, 38 and 41-42 under 35 USC § 103 as obvious from Hollander (USP 5,334,347). This rejection is respectfully traversed.

As set forth above in the argument regarding the § 102 rejection of for claims 24, 29, 35, and 39, Hollander does not disclose, suggest or teach the feature, "at least intermittently energizing a germicidal lamp to emit distributed UVC radiation wherein the germicidal lamp is energized during and after a cooling cycle of the air handler until the surface is organically clean." Since claims 27-28, 34, 37, 38, and 41-42 are respectively dependent from claims 24, 29, 35, and 39, Hollander does

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not disclose, suggest or teach each and every limitation of these claims. Therefore, claims 27-28, 34, 37, 38, and 41-42 are not obvious in view of Hollander. Thus, the rejection should be withdrawn and claims 27-28, 34, 37, 38, and 41-42 should be allowed to issue.

Conclusion

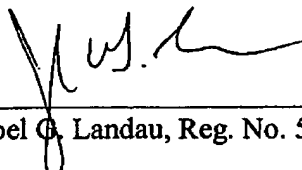
It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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